

EXHIBIT B

Robert Dwyer

From: Robert Dwyer
Sent: Wednesday, November 14, 2018 10:44 AM
To: 'Malin, Mary Catherine'
Cc: ADLowell@winston.com
Subject: RE: Jamal Benomar

Dear Ms. Malin:

Thank you for your email. As you may be aware, there is a dispute (and current motion practice) as to what privileges and immunities Mr. Benomar is entitled as a matter of U.S. and international law. To ensure that the record before the Court is complete, we intend to include your email with our submissions.

We do believe a clear statement from the State Department to the Court as to what privileges and immunities Mr. Benomar is entitled would be helpful to the Court. In that regard, we would normally welcome the opportunity to present facts relevant to Mr. Benomar's professional and commercial activities for profit, and his longstanding residency in the United States, which are pertinent to his status. We refer you to the brief on that subject we will file today in the action pending in the Southern District of New York (Case No. 18-CV-6615-CS). We are, of course, available to provide you with additional information if you wish to receive further communications.

-Robert J. Dwyer

Robert J. Dwyer
Partner

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From: Malin, Mary Catherine [<mailto:MALINMC@state.gov>]
Sent: Wednesday, November 14, 2018 8:40 AM
To: ADLowell@winston.com; Robert Dwyer
Subject: Jamal Benomar

Gentlemen,

I understand you have reached out to our colleagues at the State Department and the U.S. Mission to the UN regarding the accreditation of Mr. Jamal Benomar. I would like to confirm the following information about Mr. Benomar's accreditation:

The Permanent Mission of Morocco to the United Nations accredited Mr. Benomar with the United Nations as a minister plenipotentiary. Based on his assignment, the Moroccan Mission requested from the United Nations privileges and immunities that would normally be extended to a representative of a UN Mission in a similar capacity. The United Nations subsequently notified the U.S. Mission regarding the Moroccan Mission's request for privileges and immunities for Mr. Benomar. This notification was processed pursuant to our normal course of business and was reviewed by U.S. Mission personnel to ensure it met the requirements set forth by U.S. law and the UN Headquarters Agreement.

Based on this information, the U.S. Mission to the UN has registered Mr. Benomar with diplomatic privileges and immunities as of November 13, 2018. Representatives of UN missions, including ministers, receive diplomatic privileges and immunities based on the application of the law, including the UN Headquarters Agreement.

We are aware that there is a pending civil litigation involving Mr. Benomar. In order to avoid indirect communication to the court, our colleagues at the State Department and the U.S. Mission to the UN have been instructed not to have any further contact with counsel for either side. We do not intend to provide further information to either party to the litigation.

Sincerely,

Mary Catherine Malin

Mary Catherine Malin
Assistant Legal Adviser for
Diplomatic Law and Litigation
U.S. Department of State

Official
UNCLASSIFIED

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